

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
JULY 15, 2014**

MAYOR'S STATEMENT: Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of the Revised Annual Meeting Notice of December 31, 2013 and was forwarded to the Star Ledger, Courier News and Home News, and posted at Borough Hall.

SALUTE TO THE FLAG

ROLL CALL

Mayor	Ronald Dobies
Council President	Sean Kaplan
	Kevin Dotey
	Stephen Greco
	Patricia Jenkins
	Bob Schueler
	Michele Tackach

Attorney: Aravind Aithal

Mayor Dobies added the following items to the Agenda for the meeting tonight: (1) Fireworks; (2) Demolition of 5 Glen Gary Road; and (3) Softball bleachers at Middlesex High School.

PROCLAMATIONS-NONE

APPOINTMENT

Councilman Kaplan moved to accept the resignation of Audrey Powers from the Board of Health seconded by Councilman Schueler and carried by unanimous vote of Council.

Councilman Kaplan moved to accept the resignation of John Nicholson from the Recreation Commission seconded by Councilman Schueler and carried by a unanimous vote of Council.

Councilman Schueler moved the appointment of Rich Tarbous to the Recreation Commission seconded by Councilman Kaplan and carried by a unanimous vote of Council.

Councilman Schueler moved to accept the resignation of Bob Ferris from the Shade Tree Commission seconded by Councilman Kaplan and carried by a unanimous vote of Council.

PRESENTATIONS-NONE

PUBLIC HEARING

The Borough Clerk read Ordinance No. 1853-14 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1853-14

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 248, LAND DEVELOPMENT

WHEREAS, pursuant to N.J.S.A. 40:48-1, the governing body of a municipality may make, amend, repeal, and enforce ordinances to manage regulate and control the finances and property of the municipality; and

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Middlesex, County of Middlesex, State of New Jersey as follows:

SECTION ONE. The Code of the Borough of Middlesex, Middlesex County, New Jersey is hereby amended to the following:

§ 248-5 Hearings.

B. Public notice of a hearing on an application for development shall be given for all applications for development requiring variances as well as for site plan review, minor subdivisions or final subdivision approval whether variances are requested or not; and further provided that public notice shall be given in the event that relief is requested pursuant to N.J.S.A. 40:55D-60 or N.J.S.A. 40:55D-76 as part of an application for development otherwise excepted herein from public notice. For purposes of this section, the term "application for development" shall be defined as including applications pursuant to N.J.S.A. 40:55D-70a and N.J.S.A. 40:55D-70b, and notice of applications pursuant to N.J.S.A. 40:55D-70a and N.J.S.A. 40:55D-70b shall be given in accordance with this section. Public notice shall be provided according to the procedures set forth in N.J.S.A. 40:55D-12.

SECTION TWO. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

SECTION THREE. This Ordinance may be renumbered for codification purposes.

SECTION FOUR. This Ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final form of adopted ordinance by the Clerk with the Middlesex County Planning.

Mayor Dobies opened the public hearing on Ordinance No. 1853-14. Seeing that there was no public participation, Mayor Dobies closed the public hearing on Ordinance No. 1853-14.

Councilman Schueler noted that the Planning Board was also in favor of this ordinance and stated that this ordinance would give a public notice of a hearing on an application for development shall be given for all applications for development requiring variances.

Councilman Schueler made a motion for adoption seconded by Councilwoman Jenkins and carried by the following roll call vote: Ayes: Dotey, Greco, Jenkins, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

NEW BUSINESS

The Borough Clerk ready Ordinance No. 1854-14 for introduction.

ORDINANCE NO. 1854-14

AN ORDINANCE TO AMEND CHAPTER 301 PARKS AND RECREATION AREAS, SECTION 301-14 REGULATIONS AND FEES FOR USE OF THE PARK, SECTION 301-14(C), 301-14(D) AND 301-14(E) IN THE CODE OF THE BOROUGH OF MIDDLESEX

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MIDDLESEX THAT:

Chapter 301-14C. The following fee schedule shall apply to use of Mountain View Park for Middlesex Borough nonsponsored recreational or governing body sanctioned recreational activities:

- (1) Residents:
 - (a) Teams 18 years old and under: \$10/per 2-hour block
 - (b) Teams 18 years old and over: \$20/per 2-hour block
 - (c) Seasonal pass five or more dates (must present dates requested and insurance certificate): \$100. Seasons are March – May, June – August, September – November of each year.
 - *Resident teams are equivalent to 51% or more Borough residents.
- (2) Nonresidents
 - (a) Teams 18 years old and under: \$20/per 2-hour block
 - (b) Teams 18 years old and over: \$40/per 2-hour block
 - (c) Seasonal pass five or more dates (must present dates requested and insurance certificate): \$200. Seasons are March – May, June – August, September – November of each year.
 - (d)
- (3) Light permit for high school fields for baseball teams or softball teams: \$15 per day
- (4) Courts for basketball teams and tennis teams \$5 per 2-hour block.
- (5) Flying field – seasonal permits only:
 - (a) Resident: \$15
 - (b) Nonresident: \$30

D. Permits are always required for use of the picnic areas for groups of 10 or more people. Permits must be made 15 business days in advance.

E. The following fee schedule shall apply for the usage of picnic areas:

- (1) Residents

- (a) Groups of 10 to 25: \$20
 - (b) Group of 26 to 50: \$40. Park Maintenance Fee \$90
 - (c) Group of 51 to 100: \$80. Park Maintenance Fee \$180
 - (d) Group of 101 to 200: \$100. Park Maintenance Fee \$180
 - (e) Group of 201 to 300 plus: \$200. Park Maintenance Fee to be determined.
- (2) Nonresidents:
- (a) Group of up to 25: \$40
 - (b) Group of 26 to 50: \$80. Park Maintenance Fee \$90
 - (c) Group of 51 to 100: \$160. Park Maintenance Fee \$180
 - (d) Group of 101 to 200: \$200. Park Maintenance Fee \$180
 - (e) Group of 201 to 300 plus: \$400. Park Maintenance Fee to be determined.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey as follows:

1. The Governing Body does hereby amend Chapter 301, Section 301-14(C), 301-14(D) and 301-14(E) as stated above.
2. This Ordinance shall take effect immediately upon final passage and publication according to law.

Councilman Schueler made a motion for introduction seconded by Councilman Greco and carried by the following roll call vote: Ayes: Dotey, Greco, Jenkins, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

ADOPTION OF MINUTES

Councilman Schueler made a motion to approve the June 24, 2014 Regular Meeting Minutes seconded by Councilman Dotey and carried by the following roll call vote: Ayes: Dotey, Greco, Schueler and Tackach. No: None. Abstain: Jenkins, Kaplan.

REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance
 - A. Council President Kaplan stated that there are 31 applications for Borough Administrator. The Committee will be interviewing three candidates on Thursday,

July 24, 2014. Councilwoman Jenkins asked if the three names could be emailed to her. Any questions should be forwarded to the Mayor or Council President before the interview on July 24, 2014.

2. Recreation/Recreation Fields/Water & Light

- A. Recreation - Councilman Greco noted that there are 118 kids signed up for Summer Camp. Movie Night was a success with 150 residents coming out. The next movie night is August 8, 2014. The Fall Festival is scheduled for October 11th.
- B. Swim Pool – Councilman Greco read a letter from the Pool Commission requesting the Borough remove the fence, gate and posts from curb to curb at the end of Market Street noting that this would create a safe entrance and exit of construction equipment and vehicles for the project. Demolition will start the first week of school and the project is scheduled to be complete by April 30, 2015. Councilman Greco noted that Market Street gate is closed while the pool is open and the other three streets are open. Council President Kaplan stated that this is a safety hazard as kids are throwing their bikes over the gate. Mayor stated that last year the residents of Market Street were here at a meeting requesting the gates be closed because of safety issues and the council agreed to close the gates. Mayor Dobies is standing by his directive to keep the gates closed.

Councilman Greco made a motion to open the gates on Market Street during pool session seconded by Council President Kaplan and carried by the following roll call vote: Ayes: Dotey, Greco, Kaplan, Schueler. No: Jenkins, Tackach. Abstain: None.

3. Fire/OEM/Board of Health/Rescue Squad/Flood

- A. Councilman Dotey stated that the two new fire trucks will be in service by the end of next week.

4. Public Works/Parks/Sanitation/Recycling

- A. Garbage Ordinance - Councilman Schueler noted that the garbage ordinance that was worked on by Councilwoman Jenkins was handed out tonight and asked for feedback before the next meeting. Councilman Schueler also suggested that at the fall festival we could start an education program by handing out information regarding what is recycling and what is garbage.
- B. Councilman Schueler had a request from Mr. Teutsch, the DPW Public Works Manager to bring on another part-time employee to replace an injured employee who is out on worker's comp.
- C. Councilman Schueler made a motion to have permission from the Council to have the Victor Crowell Park Committee get quotes for moving rocks out of the park and to dispose of them and also to scope out the work to possibly use the rocks for a retention wall on Ashland Road to prevent the further erosion of the bank. Councilwoman Jenkins questioned what happened with T&M being

responsible for the removal. Councilman Schueler stated that we are getting the cost for removal and afterwards go back to T&M with these costs for them to make payment. Council President Kaplan seconded the motion and the motion was approved by a unanimous vote of Council

5. Police/Legal/Code Enforcement/Construction/Municipal Court
 - A. Councilwoman Jenkins moved the approval of the May, 2014 Police Department Monthly Report seconded by Councilman Kaplan and carried by a unanimous vote of Council.
6. Administration/Department of Senior Services/Legislation/Licensing – Nothing to report

REPORTS

Mayor

1. Fire HHS Inspector & Fire Sub-Code Official – Council agreed to extend the time period for 60 days for the acting Fire HHS Inspector & Fire Sub-Code Official. The Borough Clerk will put out an advertisement in the League of Municipalities website to fill the position.
2. Acceptance of the Borough Landfill into the FUSRAP Program – Mayor Dobies stated that the Borough received notice that we are now part of the FUSRAP Program. This program will help fund the remedial investigation of the landfill.
3. Glen Gary Road – Mayor Dobies stated that a contractor took over the responsibility on the maintenance/demolition of the property. Attorney Aithal stated that the company took over the property on July 9, 2014. The property could take weeks to demolish as this is HUD property and subject to a reverse mortgage. He recommends giving the company seven (7) days or set a date in 7 days to get the property demolished. The attorney is looking for guidance. The Mayor recommended by the end of the month and no later than our next meeting on August 12th for demolition to be complete.
4. Softball Bleachers – Our DPW has started working on the new pads for the baseball and softball bleachers. Two of the four pads were dug out and framed and the concrete will follow.
5. Fireworks – Reminder that on Saturday, July 19th the annual fireworks display will take place at dusk.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Consent Agenda 2014(S)

WHEREAS, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

WHEREAS, the Mayor and Council of the Borough of Middlesex is desirous of removing Resolutions #181-14, Resolution #187-14 and Resolution #190-14 from this Consent Agenda.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the following resolutions on the Consent Agenda are hereby approved and adopted.

Resolution #175-14 - Resolution #180-14
Resolution #182-14 – Resolution #186-14
Resolution #188-14 – Resolution #189-14
Resolution #191-114, Resolution #194-14
Resolution #195-14, Resolution #196-14

Councilman Dotey made a motion for approval seconded by Councilman Kaplan and carried by the following roll call vote: Ayes: Dotey, Greco, Jenkins, Kaplan, Schueler and Tackach. Nos.: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #175-14

The Tax Collector is hereby authorized to transfer \$1,945.15 from block 24, lot 11 to block 335, lot 29 and to cancel interest charges in the amount of \$84.78. In the email file received February 5, 2014 from CoreLogic, they mistakenly coded the payment to the wrong block and lot.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #176-14

The governing body accepts the resignation of Delmar Rouse from the Department of Public Works effective July 3, 2014.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #177-14

WHEREAS, the Borough of Middlesex ("Borough") has been in the process of closure of a landfill on property known as the Middlesex Borough Landfill ("Landfill") located between Mountain Avenue and the Bound Brook, which Middlesex operated from approximately 1945 to 1974; and

WHEREAS, the remediation of the Landfill includes remediation of substances for which the United States government is responsible, and for which United States Army Corps of Engineers ("USACE") and the Department of Energy are conducting investigation and remediation; and,

WHEREAS, the timing for the completion of the remediation and closure of the Landfill by the Borough cannot be completed until the USACE has completed their work at the Landfill; and,

WHEREAS, it is the intention of the Borough to redevelop the subject property with recreation facilities such as playing fields, and jogging or walking paths after the Landfill is closed and the closure is approved by the NJDEP; and,

WHEREAS, the Borough believes there is a realistic opportunity that the site will be redeveloped as proposed within three years after the completion of the site remediation; and,

WHEREAS, this resolution is required by the NJDEP as a condition for providing grant money under the Hazardous Discharge Site Remediation Fund ("HDSRF"); and,

WHEREAS, the Mayor and Council of the Borough of Middlesex are seeking grant funds on behalf of the Borough towards the costs that have been incurred and are to be incurred for site investigation and remediation under the HDSRF program, and finds that same is in the best interests of the Borough;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex on this 15th day of July, 2014 hereby memorializes by this Resolution and hereby authorizes the Mayor to execute and submit the HDSRF application to the NJDEP.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #178-14

WHEREAS, Police Officer Sean Flanagan is eligible for advancement in grade pursuant to Article XV of the Police Department Ordinance; and

WHEREAS, On June 30, 2014 Chief Young recommended Police Officer Sean Flanagan be advanced in grade.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that Police Officer Sean Flanagan be and is hereby advanced in grade to Patrolman Class "F" effective July 10, 2014 at an annual salary \$57,841.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #179-14

The Tax Collector is hereby authorized to issue a check in the amount of \$23,651.20 to redeem tax sale certificate #2012-1783 and a check in the amount of \$13,500 for a tax sale premium, Block 14, Lot 5, 417 Bound Brook Road, check is to be made payable to:

U S Bank cust for Phoenix Funding Inc
2 Liberty Place - TLSG
50 South 16th Street – Suite 1950
Philadelphia, PA 19102

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #180-14

The Tax Collector is hereby authorized to refund an overpayment of a tax sale premium on Block 14, Lot 5, TTL #2012-1783 in the amount of \$13,500. The mortgage company included the premium amount in the total redemption amount.

Carrington
Lereta LLC
1123 Park View Drive
Covina, CA 91724

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #182-14

The governing body hereby amends the Borough of Middlesex “Personnel Policy” to include the following to Section 27 – Outside Employment:

Section 27.3 N.J.S.A. 40A:9-22.5(C) No local government officers or employees shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #183-14

The Tax Collector is hereby authorized to issue a check in the amount of \$21,207.23 to redeem tax sale certificate #2013-1824, Block 317, Lot 14.01, Cronk Place, checks are to be made payable to:

FWDSL & Associates LP
5 Cold Hill Rd South #11
Mendham, NJ 07945

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #184-14

The governing body hereby hires Brandon Ortiz, 3 Ruth Place, and Vinny Dispenziere, 121 Second Street, Middlesex, NJ as permanent part time employees for the Department of Public Works at \$12.00 per hour for 28 hours per week, effective July 21, 2014, pending a satisfactory background and physical.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #185-14

Approving Patricia Romano, 425 2nd Street, Middlesex New Jersey as a substitute driver for the Office of Aging at \$12.00 per hour pending a satisfactory driving abstract.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #186-14

Authorizing the Mayor to execute the Host Community Contract with Republic for the years 2015 – 2017.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #188-14

Authorizing the Mayor and Borough Clerk to execute a Right of Entry to the Army Corps of Engineers for the Middlesex Municipal Landfill FUSRAP Site, Block 318 Lot 1 and Block 318 Lot 47 for the purposes of performing surveys and investigations, collecting samples and making test borings and remediating radiological, chemical, and metal contamination of soils, groundwater, and structures including, but not limited to, the right to store, move and remove equipment and supplies; excavate and dispose of contaminated soil and water and backfill with suitable soil certified in accordance with applicable regulatory standards, and restore the property to its previous condition; construct, operate, maintain, repair, replace, and remove groundwater extraction, treatment and injection systems and monitoring wells; and perform such other work as may be necessary and incident to implementation of FUSRAP for a period not to exceed thirty-six (36) months and beginning on the date of execution of the executed document.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #189-14

The Tax Collector is hereby authorized to issue a check in the amount of \$4,847.75 to redeem tax sale certificate #2012-1781 on Block 6, Lot 2.02 / C012A, 12A Gramercy Gardens. The check is to be made payable to:

FWDSL & Associates LP
5 Cold Hill Road South #11
Mendham, NJ 07945

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #191-14

The CFO declares the following fix asset items as surplus:

- (1) 10 - 100 ft lengths of 4 inch supply hose.
- (2) 2 - 4 inch to 5 inch adapters

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #194-14

The Governing Body hereby accepts the resignation of a newly hired DPW permanent part-time employee, Keith Babb's.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #195-14

The Governing Body hereby accepts the resignation of the part-time Chief Financial Officer, Chris Hart.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #196-14

WHEREAS, the residents of Clinton Avenue have requested to have a block party on Clinton Avenue between Seneca Avenue and East Greenlawn Street on August 16, 2014 between the hours of 11 a.m. and 11 p.m.; and

WHEREAS, all the designated officials have given approval for this block party.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey as follows:

1. The Governing Body hereby grants approval to the residents of Clinton Avenue to conduct a block party on the on Clinton Avenue between Seneca Avenue and East Greenlawn Street on August 16, 2014 between the hours of 11 a.m. and 11 p.m.
 2. This resolution shall take effect immediately.
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The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #181-14

The governing body hereby approves the discharge of fireworks at Mountain View Park on July 19, 2014.

Councilwoman Jenkins made a motion for approval, seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Dotey, Greco, Jenkins, Kaplan, Schueler, and Tackach. No: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #187-14

**RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE FOR
(2) LATITUDE 15 5000 SERIES LAPTOPS**

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase (2) Latitude 15 5000 series laptops from an authorized vendor under the State of New Jersey Cooperative Purchasing Program; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-12; and

WHEREAS, Dell Marketing LP Software is under State Contract No. 70256 for the year 2014; and

WHEREAS, the cost for the purchase of (2) Latitude 15 5000 series laptops is \$2,712.42; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of (2) Latitude 15 5000 series laptops is ordered under State Contract No. 70256 be and is hereby approved.

The Treasurer hereby certifies that the funds in the amount \$720.52 is available in Account No. 04-1818-00-1818-54 and \$1,991.90 is available in Account No. 04-1818-00-1818-90.

Councilman Schueler made a motion for approval, seconded by Councilman Kaplan and carried by the following roll call vote: Ayes: Dotey, Greco, Jenkins, Kaplan, Schueler, and Tackach. No: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #190-14

WHEREAS, pursuant to the provisions of Chapter 37 of the Laws of 1993 of the State of New Jersey, as amended and supplemented, N.J.S.A. 40:12-15.1 et seq. (the "Open Space Act"), the County submitted and placed upon the ballot at the November 7, 1995 election, a proposition to be approved by the voters of the County, which proposition asked whether the County should establish a system of public recreation, including parks, open space and playgrounds, and annually levy the rate of one cent (\$.01) per one hundred dollars (\$100) of equalized assessed value on all property within the County for the purposes of raising moneys to acquire and improve lands or water areas for conservation as open space or farmland and annually appropriate revenue for such purpose (the "1995 Proposition"); and

WHEREAS, the majority of voters in the County voted in favor of and approved such 1995 Proposition; and

WHEREAS, the County developed The Middlesex County Open Space and Recreation Master Plan, which plan revised and amended a previous master plan and such master plan, as revised and amended (the "Master Plan"), and which Master Plan has been accepted by the County pursuant to a resolution adopted by the Board of Chosen Freeholders of the County on March 6, 2003; and

WHEREAS, the Master Plan establishes the parameters and the process for the acquisition of lands within the County to be used for open space, farmland preservation and historical preservation to assure that sufficient open space and recreational improvements will be available for the existing and future needs of the residents of the County; and

WHEREAS, the County is desirous of acquiring additional properties within the County for the purposes of implementing the Master Plan; and

WHEREAS, as a result of procedures undertaken by the County to adhere to the provisions of the Open Space Act, the County may use proceeds of bonds issued by the Middlesex County Improvement Authority ("MCIA") or moneys deposited in the Trust Fund to acquire parcels within the County for open space purposes in accordance with the provisions of the Open Space Act and the Master Plan; and

WHEREAS, the Ryan Property has been identified for acquisition in the County's Master Plan; and

WHEREAS, the County has authorized the acquisition of the Ryan Property in accordance with the provisions of the Master Plan and Open Space Act; and

WHEREAS, the County engaged the Middlesex County Improvement Authority ("MCIA") to act as its agent to perform due diligence on the Ryan Property; and

WHEREAS, the County is desirous of assisting the Borough in acquiring a fee simple interest in vacant property located at Rock Lane, Middlesex, New Jersey (Tax Block 229, Lots

15 – 24) consisting of approximately 20,000 square feet and owned by Kathleen Motte, Executrix of the Estate of Walter C. Ryan, deceased (hereinafter “Ryan Property”) in order to prevent development of the property and to permit the property to be used for open space; and

WHEREAS, in order to implant the acquisition, the parties have agreed to a Participation Agreement and Conservation Restriction Agreement and the County has entered into an Agreement of Purchase with Kathleen Motte, Executor of the Estate of Walter C. Ryan, deceased, which agreement is assignable to the Borough; and

WHEREAS, the Board of Chosen Freeholders of the County, by resolution which was or shall be adopted to approve this Agreement and the execution and delivery thereof to the other parties hereto; and

WHEREAS, the Borough of Middlesex, by Resolution duly adopted on July 15, 2014 approved this Agreement and the execution and delivery thereof to the other parties hereto; and

WHEREAS, Borough Counsel has reviewed the Participation Agreement and Conservation Restriction Agreement and Agreement of Purchase and recommends that the Borough approve the agreements;

THUS, THEREFORE, be it resolved by the Borough Council of the Borough of Middlesex as follows:

1. The Council approves the Participation Agreement and Conservation Restriction Agreement and authorizes the Mayor to execute same on behalf of the Borough in substantially the form amended hereto.
2. The Council authorizes the Mayor to accept the Assignment of the Agreement of Purchase of the Ryan Property.
3. This resolution shall take effect immediately.

Councilman Schueler made a motion for approval, seconded by Councilman Kaplan and carried by the following roll call vote: Ayes: Dotey, Greco, Jenkins, Kaplan, Schueler, and Tackach. No: None. Abstain: None

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #192-14

THE DISBURSING OFFICERS BE AND THEY ARE HEREBY AUTHORIZED TO PAY THE ATTACHED CLAIM LIST AS PRESENTED, IF FOUND CORRECT, AND APPROVED BY THE

FINANCE COMMITTEE. EXCLUDED VOUCHERS MAY BE PAID UPON BEING FOUND ACCEPTABLE.

Councilman Kaplan made a motion for approval, seconded by Councilman Greco and carried by the following roll call vote: Ayes: Dotey, Greco, Jenkins, Kaplan, Schueler, and Tackach. No: None. Abstain: None.

DISCUSSION ON AGENDA WORKSHOP ITEMS

1. Amendment to Code Book – Chapter 18, Municipal, Section 18-7 Clerk – An amendment is needed under Chapter 18 to change section 18-7 removing the section where it state “A person shall be a resident of the Borough of Middlesex shall be appointed by the Mayor and Council to serve as Clerk of the Municipal Court.”
2. Hiring of Temporary Employees for Stream Cleaning – Council agreed to hire 10 temporary employees for 15 weeks at \$12.00/hour for stream cleaning. The clerk will advertise on our website and the borough sign.
3. One third of the wood has been removed by Predator along Rock, Cap Lane, and other areas along the bank at no charge to Middlesex Borough.
4. Mayor asked that we have Tonya Hubosky our Tax Collector and Purchasing Agent act as the Acting Chief Financial Officer in the amount of \$500.00 per month until we hire somebody in that position.

PUBLIC COMMENTS

Mayor Dobies opened the Public Portion of the meeting for any comments.

Ed Johnson, 216 Hazelwood Avenue (1) questioned Council President Kaplan on the status of the expired Piscataway Sewer Charges Agreement with Piscataway. Mayor Dobies stated that this cannot be discussed in public session due to the legality of the situation, (2) complimented the DPW on the good job they did picking up branches very quickly after the storms, and (3) Attorney Johnson believes the council should take further consideration into letting the purchasing agent handle the quotes for the removal of the rocks.

John Ellery, 701 Lincoln Boulevard stated the Business Association suggested that when we are hiring a new administrator we should get a dual position Administrator/CFO. A person with good credentials looking for \$125,000-\$150,000 is money well spent to accomplish what is needed in this town. Mr. Ellery also stated that it has been 7 months and still no answer on the sewer charges.

Mayor Dobies addressed all questions from the public.

Seeing that there was no further public participation, Mayor Dobies closed the public portion of the meeting.

The Borough Clerk read the following resolution:

BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that:

Resolution #193-14

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

WHEREAS, the Governing Body of the Borough of Middlesex has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Middlesex will go into closed session for the following reason listed below as outlined in N.J.S.A. 10:4-12 and the minutes will be kept, and once the matter involving the confidentiality of the items no longer require confidentiality, the minutes can be made public.

1. CFO – Employment
2. Findings of Ethic Complaint #LFB-13-016(2)

Councilman Kaplan made a motion for approval, seconded by Councilman Greco and carried by the following roll call vote: Ayes: Dotey, Greco, Jenkins, Kaplan, Schueler, and Tackach. No: None. Abstain: None.

ADJOURNMENT

Councilman Schueler made a motion to adjourn the Regular Meeting seconded by Councilman Greco and carried by a unanimous vote of council.

Respectfully yours,

Kathleen Anello, RMC
Borough Clerk